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August 11, 2016

VIA ECF, ELECTRONIC MAIL, HAND DELIVERY

Gregory Dexter, Esq.
Chaitman LLP
465 Park Avenue
New York, NY 10022

Re: SIPC v. Bernard L. Madoff Investment Securities LLC, 08-01789 (SMB) – Profit
Withdrawal Litigation; *Marshall, et al. v. Capital Growth Company, et al.*, 15-
01293 (SMB) – Fox III Action

Dear Mr. Dexter,

On August 11, 2016, counsel for the Trustee, Chaitman LLP, and the Picower Parties participated in a Chambers conference regarding the contents of the Madoff Declaration and the letters to the Court with respect thereto. ECF Nos. 13812, 13819, 13849, 13859. In accordance with the Court's instructions at the Chambers conference, by 5 p.m. on August 18, Chaitman LLP shall:

- 1) Produce the originals of all versions of the declaration sent to Bernard Madoff ("Madoff"), with all accompanying transmittal correspondence;
- 2) Produce the originals of all versions of the declaration received from Madoff, including originals of any version with any language stricken by Madoff, with all accompanying transmittal correspondence; and
- 3) Permit an eDiscovery vendor, at the Trustee's expense, to collect the corresponding electronic Word version(s) of the hard copy declaration(s) produced in response to Request No. 1 and all of the associated metadata pertaining to such electronic version(s).

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By email today, the Trustee will provide to you the name of and contact person at an eDiscovery vendor in order to set up a time at your convenience for the collection of the requested electronic data and associated metadata. This vendor will not have been previously engaged by the Trustee for any work related to this liquidation. The reason for the collection by the vendor is to ensure that the documents are collected and produced with the metadata as-is.

Once you have identified for the vendor the location of the electronic documents responsive to Request No. 3, the vendor will collect only those documents and will provide a copy of the documents and all associated metadata collected to the Trustee, Chaitman LLP, and the Picower Parties. The Trustee will provide a copy of the complete production to the Court on August 19, 2016.

In connection with this production, we reiterate the instruction in our June 17, 2016 letter that Chaitman LLP (or anyone on its behalf) not open, print, move, or otherwise modify any documents related or responsive to Request No. 3 prior to the vendor's collection, as doing so will alter the metadata, including, but not limited to, the Last Modified Date, which is material information to this production authorized by the Court.

Finally, we note for the record that Ms. Chaitman changed firms during fall 2015, the time period at issue. To the extent that any responsive documents were created, sent to, or received by Ms. Chaitman's prior firm, Becker & Poliakoff LLP, those documents and the associated metadata should likewise be produced under the same protocol for hard copy and electronic documents used for the Chaitman LLP collection.

Sincerely,

/s/ Seanna R. Brown

Seanna R. Brown

cc: Honorable Stuart M. Bernstein
Helen Chaitman
Marcy R. Harris
Edward Jacobs
Karin S. Jenson
David J. Sheehan
Amy E. Vanderwal